

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons which follow.

Claims 1, 8-11, 16 and 23-26 have been cancelled. New Claim 31 has been added. Thus, Claims 2-7, 12-15, 17-22, and 27-31 remain for examination.

Claims 1-7 and 16-22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kanemitsu (6,499,051).

The Examiner's rejection is respectfully traversed.

In order to better distinguish Applicant's invention from the applied prior art, Applicant has cancelled independent Claims 1 and 16 and combined these claims into several of the claims previously dependent therefrom. For example, Claim 2 now incorporates therein the subject matter of Claim 1 as does Claim 4. Furthermore, Claim 17 now incorporates therein the subject matter of Claim 16 as does Claim 19. It is submitted that these amendments clearly differentiate Applicant's invention from the Kanemitsu teaching.

Since Claims 2 and 4 now incorporate therein the subject matter of now cancelled Claim 1, it is appropriate to examine the Examiner's rejection of Claims 2-5. As stated in paragraph 5 of the outstanding Office Action, the Examiner cites Kanemitsu column 2, lines 51-61, and column 5, lines 60-65 to support the section 102 rejection. In column 2, lines 51-56, Kanemitsu states:

According to the above aspects, regardless of the order of search request or search results (information) obtained by searching databases, data is arranged in an ascending order of the data amount for each data type and, when a plurality of data items are included in a data type, data is further arranged in an ascending order of the data amount for each type or unit so that data with the smallest amount is first transmitted. Since information is transmitted in the above manner, a client

receiving the information does not feel that they are being kept waiting because the information begins appearing shortly after a search request is made.

In column 5, lines 60-65, Kanemitsu states as follows:

When, for example, respective data amounts in the text data group stand at "at>bt>ct>dt", the data is transmitted in the order of "dt, ct, bt, and at". Thus, the order of transmitting all the data in search results is determined and the data is transmitted in sequence (step 210).

As may be seen from the above-quoted portions of Kanemitsu, nothing is disclosed concerning the express limitations recited in Applicant's Claims 2 and 4 which deal with a second request from a second requestor. Kanemitsu's invention is in fact directed toward receiving a request from an automobile for information such as restaurant locations and the like, which information is, for example, displayed in Figure 8 of Kanemitsu. It is clear from a reading of the patent as a whole that a single vehicle is the object of the data transmission and the arrangement of the data amounts for transmission is performed with respect to the single vehicle. Thus, column 5, lines 34-42 states:

When a search request or an information transmission request is made from a vehicle, the information providing sender 1 receives this search request (step 201) and, to respond to the request, performs search operations on database 22 and the like to obtain information of interest (step 202). As described above, one or more search results may be obtained by the search unit 24 from search operations. The number of search results and the data types included in all the search results are first detected (step 203). (Emphasis added).

As shown in Kanemitsu's Figure 5, Kanemitsu is concerned with ordering the data for transmission back to the requesting vehicle so that the restaurant information may be sent by

first sending all of the text data, and within the text data group, sending such text data in increasing text amount size, then sending all of the image data and finally (presumably) the audio data. See, for example, column 6, lines 10-25, wherein it is made clear that the text data is sent first followed by the image data. Within each group, Kanemitsu arranges the data amount in ascending order. However, Kanemitsu never contemplates a second vehicle making access to the server (for example, Applicant's proxy server) at the same time and, Kanemitsu never mentions ordering the totality of the data from the first and second requestors in ascending order of object size.

Applicant's original Claim 2 and amended Claim 2 recite that if a second request from a second requestor for one or more objects is received prior to the delivery of one or more objects from the first requestor, the server is programmed for scheduling the delivery of the objects in the second request and undelivered objects in the first request in ascending order of object size. No such counterpart teaching is shown or even contemplated in Kanemitsu. There simply is no second requestor in Kanemitsu and thus there is no second request from the second requestor and thus there is no one or more objects derived from the second request from the second requestor. Applicant's original dependent Claim 4 as well as amended Claim 4 recites a similar second request, second requestor and one or more objects resulting from the second request search. In view of these failure of the Kanemitsu reference, Kanemitsu cannot make out a case of anticipation under 35 U.S.C. § 102. In order for a claim to be anticipated under 35 U.S.C. § 102, the applied reference must teach each and every limitation of the claim. This is certainly not the case here as indicated above, and thus, the section 102 rejection must be withdrawn.

The Examiner has utilized the same portions of Kanemitsu to reject Applicant's dependent Claim 3 dealing with assigning a priority value to the suspended object computed as a waiting time of the object divided by the size of the object, and scheduling the delivery of suspended objects in descending order of priority value. Applicant can find no teaching in Kanemitsu of the limitations recited in Applicant's Claim 3. Moreover, Applicant's Claim 3 is dependent upon amended Claim 2, and thus includes all of the limitations set forth above with regard to amended Claim 2. Thus, Claim 3 is deemed to be patentable over the Kanemitsu reference.

Claim 5 is similar to Claim 3 and is thus likewise deemed patentable.

As stated in paragraph 6 of the outstanding Office Action, Claims 6-7 are considered to be corresponding system claims of Claims 1-5 and are thus rejected under this same rationale. However, Claim 6 recites a user configured for communicating with a server over at least one communication network wherein if the user receives a plurality of objects for delivery to a web browser, the user is programmed for scheduling the delivery of any whole or partial undelivered objects in ascending order of object size. Applicant can find no teaching in Kanemitsu of how to treat any partial undelivered objects. In accordance with Applicant's Specification, and as shown in Figure 6, if an object 1 (element 116) is being transmitted and during the transmission, at a time t3, a second request results in the object 4 (element 118) to also be transmitted, the user is programmed to select between object 4 and the untransmitted or undelivered portion of object 1 and to deliver the smaller one of these objects first. Kanemitsu is completely silent as to how to treat partial undelivered objects and thus, the Kanemitsu reference cannot anticipate Applicant's claim. As indicated above, in order for a reference to anticipate a claim, the reference must disclose each and every limitation of the claim. This is certainly not the case here and thus, the section 102 rejection with regard to Claim 6 must be withdrawn.

Claim 7 is similar to the priority assignment and scheduling of delivery as recited in Claim 5 and is deemed to be patentable for the same reasons as indicated with regard to Claim 5. Moreover, Claim 7 depends from Claim 6 which, as indicated above, is clearly patentable over the prior art.

With regard to Claims 16-22, as stated in paragraph 7 of the outstanding Office Action, these claims are considered by the Examiner to correspond to method Claims 1-7 and are similarly rejected. As indicated earlier, Claim 16 has been incorporated into Claim 17 and Claim 16 has been cancelled. Claim 17 is deemed to be patentable for the same reasons indicated above with regard to Claim 2. Claims 18, 20 and 22 recite the assignment of the priority value and the scheduling in accordance with the descending order of priority in a similar manner as recited in Claim 5. These claims are deemed to be patentable for the same reasons indicated above with regard to Claim 5. Claim 19 has been amended to incorporate

therein the limitations of Claim 16. This claim is similar to Claim 4 and is deemed to be patentable for the same reasons indicated above with regard to Claim 4.

Claim 21 is the method analog claim for Claim 6 and is deemed to be patentable for the same reasons indicated above with regard to Claim 6.

In summary, Claims 2-7 and 17-22 are clearly patentable over the prior art.

Claims 12-15 and 27-30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bolas (6,389,463). With regard to the last paragraph of Claim 12, the Examiner points to Bolas, column 5, lines 50-55, column 6, lines 1-14, and column 8, lines 26-33.

The Examiner's rejections are respectfully traversed.

Bolas teaches a dedicated Internet audio receiving device which is similar to a conventional radio receiver. In column 5, lines 50-55 and continuing at column 6, lines 1-14, Bolas states as follows:

If the system is designed to use an audio content provider database which is stored in the internet radio's own memory, the content retrieval module of the software (block 36) looks up the URL corresponding to the desired station (which may be stored in on board memory or on the system management server and then enters the desired audio content URL (i.e., the web address) in the ISP home page. If the system is designed to depend on the system management server, then the content retrieval module of the software (block 36) enters the system management server address, awaits connection with the system management server homepage and enters the desires station identifier into the system management server. The system management server then looks up the web address for the desired station, and negotiates with the audio content provider website to arrange transmission of audio data to the user's

internet radio. Upon receipt of the audio data, the data processing module (block 37) processes the audio data received and causes that data to be transmitted to the radio card, for eventual transmission to the speakers.

As may be seen from the above-quoted portion of Bolas, a database is provided so that a URL which corresponds to a desired station (for example, some call letters or the like) may be retrieved. The database may be stored in the internet's own radio memory or on the system management server. At either event, the URL address is accessed to provide the audio data content which is then fed to the internet radio for transmission to the speakers.

Fundamental to Applicant's claim 12 is the recitation that the requestor is programmed for automatically looking up IP addresses of linked URLs in a webpage in response to a request for the webpage, but prior to any request for those linked URLs. Bolas simply is not concerned with linked URLs in a webpage, and there is no discussion of same. As such, Bolas cannot and does not teach automatically looking up the IP addresses of the linked URLs.

The Examiner's reference to column 8, lines 26-33 does not support the rejection. In this portion of Bolas it is stated:

The internet radio described employs a linear tuning band for station selection. This linear approach means that the order in which stations are visited when adjusting the tuning is fixed. This provides the software with the ability to pre-fetch audio from the "next" or "previous" URLs in the list. As a result, when the tuning is adjusted, the internet radio does not have to initiate a connection to the new station from scratch and may in fact already have a connection initiated and some (perhaps low quality) audio buffered in anticipation of an adjustment in timing.

While it is true that this portion of Bolas teaches a pre-fetching operation, what in fact Bolas is doing is pre-fetching the “next” or the “previous” URL from the linear tuning band since the order in which the stations are visited is fixed. Again, there is no mention of “linked URLs” as recited in Applicant’s invention, nor is there any mention of linked URLs in a webpage. Thus, while it is true that Bolas teaches a very specific type of linear pre-fetching in which the “next” or the “previous” URLs in a linear and fixed arrangement may be performed, Applicant’s invention has nothing to do with linear tuning bands for radio stations and does not contain any fixed order of URLs. Rather, Applicant’s webpages may be obtained pursuant to a search request and any URLs which are linked on that webpage are pre-fetched. Linked URLs in a webpage do not correspond to a linear tuning band for a station selection in which the order of the stations or the order of the URLs is fixed. Thus, Bolas does not disclose each and every limitation of Applicant’s independent Claim 12 and thus, cannot be utilized as an anticipatory reference under 35 U.S.C. § 102.

Claim 13 depends from Claim 12 and is likewise deemed patentable for the same reasons indicated with regard to Claim 12.

Applicant’s independent Claim 14 recites, in relevant part, that the requestor is programmed for keeping the channel open until a fixed number of link traversals have occurred. The channel which is open is a channel which communicates content between a requestor and a content provider server. Applicant can find no teaching in Bolas of keeping such a channel open until a fixed number of link traversals has occurred. In this connection, the Examiner’s attention is directed to Applicant’s specification on page 16, lines 3-19.

Inasmuch as each and every limitation of Claim 14 is not disclosed in Bolas, the Bolas reference must be withdrawn as a section 102 rejection.

Applicant’s independent Claim 15 recites, in relevant part, that the requestor is programmed to maintain a log of all content fetched including a time of the fetch, and storing associations between content fetched within a fixed time period such that when subsequent requests for particular content are received by the requestor, the requestor will pre-fetch all content associated with that particular requested content. Again, Applicant can find no

corresponding teaching to these limitations recited in Claim 15 within the Bolas reference. As such, Bolas cannot anticipate Applicant's Claim 15 under 35 U.S.C. § 102.

Applicant's Claims 27 and 28 are method counterpart claims to Claims 12 and 13 and are deemed to be patentable for the same reasons indicated above with regard to Claims 12 and 13. Likewise, method Claim 29 is similar to Claim 14 in the recitation of the limitation of keeping the channel open until a fixed number of linked traversals have occurred and is thus deemed patentable over the prior art.

Applicant's method Claim 30 is a method claim containing the limitations of maintaining a log and storing associations in a manner similar to the apparatus Claim 15 and thus is deemed patentable for the same reasons applicable to Claim 15.

Applicant's newly submitted independent Claim 31 depends from Claim 12 and is deemed to be patentable for the same reasons indicated above with regard to Claim 12.

In view of the amendments made hereto and the comments set forth above, the Application is now believed to be in condition for allowance and an early indication of same is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

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